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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,545	03/24/2004	Mitsuaki Osame	12732-223001 / US7068/714	3777
26171	7590	07/22/2010		EXAMINER
FISH & RICHARDSON P.C.			BECK, ALEXANDER S	
P.O. BOX 1022				
MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER
			2629	
NOTIFICATION DATE	DELIVERY MODE			
07/22/2010	ELECTRONIC			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,545	<b>Applicant(s)</b> OSAME ET AL.
	<b>Examiner</b> Alexander S. Beck	<b>Art Unit</b> 2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 May 2010.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3,15,17,28,32,34-40,43-47,50-55 and 58-75 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3,15,17,28,32,34-40,43-47,50-55 and 58-75 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 November 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-646)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No./Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No./Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

DETAILED ACTION

**I. CONTINUED EXAMINATION UNDER 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2010 ("Amend."), has been entered.

**II. DOUBLE PATENTING**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a

nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. *Claims 3, 15, 17, 28, 32, 34-40, 43-47, 50-55, and 58-75 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, and 4 of U.S. Patent No. 7,122,969 to Fukumoto et al. ("'969 Patent") in view of U.S. Patent Pub. No. 2001/0002703 by Koyama ("Koyama")*

For example, comparing the present application with the '934 Patent as below:

present application (claim 61)	'969 Patent (claims 1, 3, and 4)
An element substrate comprising:	A light emitting device comprising: (claim 1, ll. 1)
a first power line; a second power line; a scan line; a signal line; a pixel electrode; a first transistor; a second transistor; and a third transistor,	a scan line; a signal line intersecting with the scan line; a first to a n-th power supply lines ... a light emitting element; a first transistor ... a second transistor (claim 1, ll. 2-13)
wherein one of a source and a drain of the first transistor is connected to the pixel electrode, wherein one of a source and drain of the second transistor is connected to the other of the source and the drain of the first transistor, wherein the other of the source and the drain of the second transistor is connected to the first power line	wherein the first power source, the first transistor, the second transistor, and the light emitting element are connected in series (claim 1, ll. 14-16)
wherein a gate of the first transistor is connected to the second power line,	wherein a first region of a gate electrode of the first transistor is electrically connected to a k-th power supply line, wherein a second region of the gate electrode of the first transistor is electrically connected to a (k+1)-th power supply line (claim 1, ll. 17-18)

	(22)
wherein one of a source and a drain of the third transistor is connected to a gate electrode of the second transistor, wherein the other of the source and the drain of the third transistor is connected to the signal line, wherein a gate electrode of the third transistor is connected to the scan line,	
wherein the first transistor has a channel length longer than a channel width, and the second transistor has a channel length equal to or shorter than a channel width, and	wherein a channel length of the first transistor is longer than its channel width, and a channel length of the second transistor is equal to or shorter than its channel width (claim 3, ll. 1-5)
wherein a ratio of the channel length of the channel width of the first transistor is 5 or more.	a ratio of the channel length to the channel width of the first transistor is five or more (claim 4, ll. 1-3)

The '969 Patent does not disclose expressly a third transistor wherein one of a source and a drain of the third transistor is connected to a gate electrode of the second transistor, wherein the other of the source and the drain of the third transistor is connected to the signal line, wherein a gate electrode of the third transistor is connected to the scan line, as claimed.

Koyama discloses a light emitting device a third transistor (Koyama, 105; Fig. 3) wherein one of a source and a drain of the third transistor is connected to a gate electrode of the second transistor (Koyama, 109; Fig. 3), wherein the other of the source and the drain of the third transistor is connected to the signal line (Koyama, 107; Fig. 3), wherein a gate electrode of the third transistor is connected to the scan line (Koyama, 106; Fig. 3). At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the '969 Patent such that the third transistor was connected as taught by Koyama. As one of ordinary skill in the art would appreciate, the suggestion/motivation for doing so would have been to control the input of the video signal to the pixel.

2. *Claims 3, 15, 17, 28, 32, 34-40, 43-47, 50-55, and 58-75 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11, 14, and 15 of U.S. Patent No. 7,141,934 to Osame et al. ("934 Patent") in view of U.S. Patent Pub. No. 2001/0002703 by Koyama*

For example, comparing the present application with the '934 Patent as below:

present application (claim 61)	'934 Patent (claims 11, 14, and 15)
An element substrate comprising:	A light emitting device comprising: (claim 11, l. 2)
a first power line; a second power line; a scan line; a signal line; a pixel electrode; a first transistor; a second transistor; and a third transistor, wherein one of a source and a drain of the first transistor is connected to the pixel electrode, wherein one of a source and drain of the second transistor is connected to the other of the source and the drain of the first transistor, wherein the other of the source and the drain of the second transistor is connected to the first power line wherein a gate of the first transistor is connected to the second power line,	a light emitting element provided in a pixel; a first transistor ... a second transistor ... a third transistor ... a first power supply and a second power supply (claim 11, ll. 2-12) wherein the light emitting element is connected in series to the first transistor and the second transistor between a first power supply and a second power supply (claim 11, ll. 10-12)
wherein one of a source and a drain of the third transistor is connected to a gate electrode of the second transistor, wherein the other of the source and the drain of the third transistor is connected to the signal line, wherein a gate electrode of the third transistor is connected to the scan line,	a gate electrode of the first transistor is connected to the first power supply (claim 11, ll. 13-14)
wherein the first transistor has a channel length longer than a channel width, and the second transistor has a channel length equal to or shorter than a channel width, and wherein a ratio of the channel length of the	wherein a channel length of the first transistor is longer than its channel width, and a channel length of the second transistor is equal to or shorter than its channel width (claim 14, ll. 1-4) a ratio of the channel length to the channel

channel width of the first transistor is 5 or more.	width of the first transistor is five or more (claim 15, ll. 1-3)
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The '934 Patent does not disclose expressly wherein one of a source and a drain of the third transistor is connected to a gate electrode of the second transistor, wherein the other of the source and the drain of the third transistor is connected to the signal line, wherein a gate electrode of the third transistor is connected to the scan line, as claimed.

Koyama discloses a light emitting device wherein one of a source and a drain of the third transistor (Koyama, 105; Fig. 3) is connected to a gate electrode of the second transistor (Koyama, 109; Fig. 3), wherein the other of the source and the drain of the third transistor is connected to the signal line (Koyama, 107; Fig. 3), wherein a gate electrode of the third transistor is connected to the scan line (Koyama, 106; Fig. 3). At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the '934 Patent such that the third transistor was connected as taught by Koyama. As one of ordinary skill in the art would appreciate, the suggestion/motivation for doing so would have been to control the input of the video signal to the pixel.

### III. RESPONSE TO ARGUMENTS

Applicant's arguments (Amend. 12-16) with respect to the rejections of claims 36-39, 43, 46, 50, and 58 under 35 U.S.C. 102(b) have been fully considered and are persuasive. The 35 U.S.C. 102(b) rejection of claims 36-39, 43, 46, 50 and 58 has been withdrawn. As a result, the rejection of claims 44, 45, 51-54, 59, and 60 under 35 U.S.C. 103(a) has also been withdrawn in light of applicant's arguments (Amend. 16-17).

#### IV. CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander S. Beck whose telephone number is (571) 272-7765. The examiner can normally be reached on M-F, 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander S. Beck/  
Primary Examiner, Art Unit 2629

Dated: July 18, 2010